

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 24th April, 1964:—

BILL No. 27 OF 1964

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1964.

Short title
and
commence-
ment.

5 (2) It shall come into force at once.

43 of 1951.

2. After section 6, of the Representation of the People Act, 1951 the following new section shall be inserted, namely:—

Insertion
of new
section
6A.

10 "6A. A person shall not be qualified to be chosen to fill a seat in the House of the People or in the Legislative Assembly of a State if he is or was a Minister of the Union or of that State, as the case may be, at any time within six months preceding the last date appointed for making nominations under section 30."

Quali-
fication
for mem-
bership of
House of
the People
or of a
Legislative
Assembly.

STATEMENT OF OBJECTS AND REASONS

There is a growing complaint that the continuance in office of the Ministers interferes with the freedom of voting in various ways. The Bill is intended to avoid that interference in the General Elections. Our experience in democratic elections based on adult franchise is comparatively new and we must guard against such unhealthy atmosphere at any rate in the early stages. The Bill will also protect the Ministers from such complaints.

NEW DELHI;
The 11th March, 1964.

PRAKASH VIR SHASTRI.

BILL No. 33 OF 1964

A Bill to provide for fixation of individual responsibility of persons in authority with reference to national defence and development of the country.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:--

1. (1) This Act may be called the Fixation of Responsibility (of Persons in Authority) Act, 1964. Short title, extent and commencement.

5 (2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, "persons in authority" shall include all officers of the Central and State Governments and such other persons as are Definitions.
to directly or indirectly connected with the national defence and developmental projects of the country.

3. The Central Government shall publish the names of the persons in authority in the Official Gazette from time to time. Publication of the names in the Official Gazette.

15 4. The persons in authority shall accomplish the tasks assigned to them within the time and according to specifications, specified by the Central Government in that behalf. Accomplishment of tasks by the persons in authority.

Penalty.

5. Any person in authority who contravenes the provisions of this Act shall be liable to such penalty as may be prescribed by the rules made under this Act.

Rewards.

6. Certificates of merit shall be awarded by the Central Government to such persons in authority as accomplish the tasks assigned to them on or before the date specified in that behalf. 5

Power to make rules.

7. (1) The Central Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 15

STATEMENT OF OBJECTS AND REASONS

In view of the national emergency and with a view to step up defence preparations and developmental projects, it is essential that the tasks assigned to persons in authority should be completed within the time specified for it and the cases of delay or default should meet with heavy punishments.

Hence this Bill.

NEW DELHI;
The 23rd March, 1964.

V. C. PARASHAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under clause 7 of the Bill the Central Government shall lay down rules in regard to accomplishing the tasks assigned to persons in authority and for prescribing penalty for contravention of the provisions of this Act. The penalty to be prescribed by these rules shall naturally be in accordance with the nature and gravity of the offence committed.

The delegation of legislative power under the Act is, but for the power of prescribing penalty for contravention thereof, of a normal character. In the very nature of things the question of the quantum of penalty has to be left to the Government. In view of the provision for modification of the rules by Parliament there is hardly any reason for apprehension of misuse of the power.

BILL No. 38 OF 1964

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :—

1. This Act may be called the Constitution (Amendment) Act, Short title. 1964.

2. In article 85 of the Constitution, to clause (1), the following Amendment proviso shall be added, namely :—
of article 85

“Provided that every year at least one session of each House of Parliament shall be held at Hyderabad or Bangalore.”.

STATEMENT OF OBJECTS AND REASONS

In order to have closer integration between people living in different parts of the country, it is worthwhile that every year a session of Parliament be held in South India, preferably Hyderabad or Bangalore. This will help the people understanding each other better.

Hence this Bill.

NEW DELHI;
The 11th March, 1964.

PRAKASH VIR SHASTRI

FINANCIAL MEMORANDUM

The Bill envisages provision for holding a session of Lok Sabha at Hyderabad. The Bill will, therefore, involve some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with a non-recurring grant of rupees 3 lakhs would appear to be necessary.

BILL NO. 39 OF 1964

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1964.

Omission
of article
370. 2. Article 370 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In the present context article 370 of the Constitution appears to have outlived its utility. It is desirable that the State of Jammu and Kashmir be brought at par with other States. Therefore, it is high time to seek abrogation of this article.

Hence this Bill.

PRAKASH VIR SHASTRI

M. N. KAUL,
Secretary.

